

EXHIBIT 5

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Singular Computing, LLC,)
Plaintiff)
vs.) No. 1:19-cv-12551-FDS
Google, LLC,)
Defendants.)

BEFORE THE HONORABLE F. DENNIS SAYLOR, IV
UNITED STATES DISTRICT JUDGE
STATUS CONFERENCE

John Joseph Moakley United States Courthouse
One Courthouse Way
Boston, Massachusetts 02210

August 10, 2021
4:00 p.m.

Kristin M. Kelley, RPR, CRR
Official Court Reporter
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P R O C E E D I N G S

THE CLERK: Court is now in session in the matter of Singular Computing, LLC versus Google, LLC, Civil Action No. 2019-CV-12551.

This is a reminder that recording and rebroadcasting of this hearing is prohibited and sanctions may be imposed.

Would counsel please introduce themselves for the record, starting with the plaintiff.

MR. HAYES: Paul J. Hayes for Singular, the plaintiff.

MR. GANNON: Kevin Gannon for Singular.

MR. KAMBER: Mat Kamber for the defendant, Google.

MR. SPEED: Nathan Speed for Google, the defendant.

THE COURT: Good afternoon.

MR. BHANSALI: Asim Bhansali for the defendant.

MS. SHAH: Deeva Shah for defendant.

THE COURT: Good afternoon.

All right. This is a status conference in this case. Where are we, Mr. Hayes?

MR. HAYES: We stand this way, Judge. There's one motion to, my understanding, that we have filed to take the deposition, two depositions: One Chen, the other person Goodwin. That would give us a total of 16 depositions, which is in the number that we're entitled to. They're obviously taken after discovery. That's been briefed by both sides. We're just awaiting your decision on that one.

1 The next is there are a few motions in front of
2 Magistrate Cabell. My understanding is that they're about
3 98 percent briefed. One brief has to go in I think today or
4 tomorrow. That will be done. I don't see, our motion anyway,
5 I don't see any of these motions before the magistrate
6 precipitating another deposition, here, there or anywhere. So
7 that's basically wound up.

8 The only other thing I'd mention is that about an hour
9 ago I got a letter from Google saying, now 5 months after the
04:02 10 fact, they want to amend the complaint for inequitable conduct,
11 throw in the kitchen sink, et cetera, and that somehow they're
12 going to ask your guidance or something on this. It seems to
13 me more like an advisory opinion as to what to do. That all
14 said, the first I heard of it was an hour ago. Obviously, we
15 will oppose it, period.

16 THE COURT: There's nothing pending before me. Am I
17 correct that I've referred all the pending motions to the
18 magistrate judge but not the motion for leave to take
19 depositions? Do I have that right?

04:03 20 MR. HAYES: Yes. You have that right, Judge. You
21 were going to decide the deposition issue, the magistrate
22 everything else.

23 THE COURT: Okay. Mr. Kamber, are you going to take
24 the lead for Google?

25 MR. KAMBER: Yes, your Honor. Thank you. I think

1 Mr. Hayes has it right that one motion is pending before you.
2 The other motions are pending before Judge Cabell. You had
3 also asked us separately about dedesignating exhibits in the
4 motions to seal. Some of those filings are going in right now.
5 I think today was the deadline. The parties have worked
6 together to identify what needs to remain redacted and what can
7 be opened up for public viewing. I believe that's resolved
8 now, so far as I understand it.

9 With respect to this issue on inequitable conduct,
04:04 10 what we wanted to say is we just wanted to flag it. We don't
11 think this is something that can or should be resolved right
12 now. It would be moot depending on the outcome of the PTAB
13 proceedings. We do think that, based on some testimony that we
14 got the last week of discovery, as well as some documents that
15 were produced in April, that we have a basis to plead it.

16 Our suggestion would be that if and when this case is
17 back from being stayed that we have an opportunity to file a
18 motion for leave at that point, and we can brief it then. We
19 really wanted to put it to you in case you prefer to do this
04:05 20 now or at some other point in the interim.

21 THE COURT: I'm not sure what to say. I don't want to
22 do anything on the fly. If you want me to do something, you
23 file a motion. I do expect meeting and conferring beforehand.
24 I would just leave it that way. All right?

25 MR. KAMBER: Understood, your Honor.

1 THE COURT: I will take up a decision on the extra
2 depositions quickly. I understand that's ripe. I'm not sure
3 where things stand with the magistrate judge. If we aren't on
4 track, we're close to it. I think what I'm going to do is set
5 a further status to resolve this issue of the extra depositions
6 and then see where we are in about 3 weeks or so.

7 How about a further status Friday, August 27th at 3:30
8 Eastern Time? Does that work? It's a Friday afternoon in the
9 summer but also doing it remotely. Will that work?

04:06 10 MR. HAYES: That's fine with the plaintiff, Judge.

11 MR. KAMBER: That time works fine for defense as well.

12 THE COURT: Okay. I think it's useful for me to stay
13 on top of this while we're trying to wrap these issues up. I
14 take it there's no news out of the patent office?

15 MR. HAYES: No. I don't think there's going to be,
16 Judge, until probably a year from the filing. That's the
17 earliest I've ever heard of them coming back. They run right
18 to the last day most of the time.

19 THE COURT: All right. Unless there's anything
04:07 20 further again, we may as well do this by video, Friday,
21 August 27th at 3:30.

22 MR. KAMBER: Thank you, your Honor.

23 MR. HAYES: Thank you, judge.

24 (Whereupon, the proceedings adjourned at 4:07 p.m.)
25

C E R T I F I C A T E

UNITED STATES DISTRICT COURT)
DISTRICT OF MASSACHUSETTS)

I, Kristin M. Kelley, certify that the foregoing is a
correct transcript from the record of proceedings taken
August 10, 2021 in the above-entitled matter to the best of my
skill and ability.

/s/ Kristin M. Kelley

October 12, 2021

Kristin M. Kelley, RPR, CRR
Official Court Reporter

Date